THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.20578 of 2005

THURSDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND SEVEN

Between:

Fakruddin Ali, S/o. late Dawood Bhai,
Aged 48 years, Occ: Business, H.No.15-6-71,
First Floor, Afzalgunj, Hyderabad.

… Petitioner

And

The Land Acquisition Officer,
O/o. The Revenue Divisional Officer,
Chevella Division, Ranga Reddy District.

… Respondent

Order:

Though W.P.M.P. has been listed for hearing, at the request of learned counsel on either side, the writ petition itself is being disposed of.

2. This writ petition has been filed seeking Mandamus to declare the action of the respondent in not referring the application filed by the

petitioner under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') to Civil Court with regard to his land admeasuring Ac.3.23 guntas in S.No.268 of Attapur village, Rajenranagar Mandal, Ranga Reddy District.

3. The aforesaid land of the petitioner was notified under the provisions of the Act for the purpose of laying a road. After issuing notification under Section 4(1) of the Act, Award dated 07-06-1997 was passed determining the compensation at Rs.2,24,699/-. The grievance of the petitioner is that though he had submitted representation on 13-10-1997 to refer the matter under Section 18 of the Act to the competent Civil Court for determination of proper compensation, within the time stipulated, respondent has not taken any steps.

4. Respondent has filed counter affidavit stating that entries in all the revenue records show that the land in question is a Government land, and, hence, reference as sought by the petitioner was not ordered.

5. It is brought to the notice of this court that in view of the title dispute with regard to the entire land, there was a reference to the civil court under Section 30 of the Act, and the Principal Senior Civil Judge, Ranga Reddy District, has already adjudicated the title dispute in favour of the petitioner by judgment dated 27-03-2003, passed in O.P.No.143 of 1997.

6. As much as the application filed by the petitioner seeking reference to the civil court under Section 18 of the Act is within the time stipulated, and the title of the petitioner over the land in question has been upheld by the civil court, there appears no reason at all in not

referring the application of the petitioner to the civil court. It is also brought to the notice of this court that one such application filed by other shareholders has been referred to the civil court and the same is pending consideration.

7. In these circumstances, I dispose of the writ petition directing the respondents to refer the claim of the petitioner to the civil court under Section 18 of the Act with regard to his land admeasuring Ac.3.23 guntas in S.No.268 of Attapur village, Rajenranagar Mandal, Ranga Reddy District, covered by Award dated 07-06-1997, within a period of two months from the date of receipt of this order. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 5, 2007
MRR